

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,)
)
Plaintiff) Civil Action
)
) No. 19-12551-FDS
vs.)
)
GOOGLE LLC,)
Defendant)

BEFORE: CHIEF JUDGE F. DENNIS SAYLOR, IV

STATUS CONFERENCE CONDUCTED BY VIDEO CONFERENCE

John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210

July 12, 2021
4:34 p.m.

Valerie A. O'Hara, FCRR, RPR
Official Court Reporter
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210
E-mail: vaohara@gmail.com

1 APPEARANCES:

2 For The Plaintiff:

3 Prince, Lobel, Tye, LLP, by PAUL J. HAYES, ESQ.,
4 One International Place, Boston, Massachusetts 02110;

5 Prince, Lobel, Tye, LLP, by KEVIN GANNON, ESQ.,
6 One International Place, Boston, Massachusetts 02110;

7 McCarter & English, LLP, by BRIAN M. SEEVE, ESQ., and
8 THOMAS R. FULFORD, ESQ., 265 Franklin Street, Boston,
9 Massachusetts 02110;

10 For the Defendant:

11 Keker, Van Nest & Peters LLP, by MATTHIAS A. KAMBER, ESQ.,
12 MICHELLE YBARRA, ATTORNEY, 633 Battery March Street,
13 San Francisco, California 94111.

14 Kwun, Bhansali, Lazarus LLP, by ASIM M. BHANSALI, ESQ.,
15 555 Montgomery Street, Suite 750, San Francisco, California
16 94111;

17 Wolf, Greenfield & Sacks, P.C., by NATHAN R. SPEED, ESQ.,
18 and ANANT SARASWAT, ESQ., 600 Atlantic Avenue, Boston,
19 Massachusetts 02210;

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

2
3
4
5
6

7
8

9

0

1

2
3

4

5
6

7
8

9

$$\begin{matrix} 0 \\ 1 \end{matrix}$$

2

3

4
5

1 MR. SPEED: I was going to round it off,
2 Nathan Speed for Google. Good afternoon.

3 THE COURT: This is a status conference in this
4 case. I understand there was a hearing on outstanding
5 discovery motions with the magistrate judge at the end of
6 June. Where are we otherwise?

7 And I have a question which may be a dumb
8 question, I don't know, but is there anything in the
9 Supreme Court's decision in I keep wanting to call it
04:35PM 10 Anthrax, *Arthrex*, *Arthrex* that affects what we are doing
11 here in any way? I guess I might as well start with that.
12 Mr. Hayes.

13 MR. HAYES: Well, not to my knowledge, Judge, but
14 I may be ignorant of that decision. No, maybe, I think I
15 am.

16 THE COURT: This is the recent one about the PTAB.

17 MR. HAYES: Right. I think it's just basically
18 decided on the PTAB. My understanding, it cited something
19 like -- it didn't throw the whole thing out, so as a result
04:36PM 20 of not throwing it out, I don't think it sort of affects us
21 in any way at this point in time.

22 THE COURT: Okay, that's what I thought. I
23 thought I better check.

24 MR. HAYES: I think so. I apologize, I should be
25 more up to date on that.

1 MR. KAMBER: I think I would agree with Mr. Hayes,
2 the *Arthrex* decision doesn't really have any bearing on the
3 status of the current IPR petitions.

4 THE COURT: All right. With that, I understand we
5 do have, I think, all the discovery motions under
6 advisement, and where do things stand generally in that
7 regard in terms of completing discovery, and how much
8 time -- well, I guess you don't know until the decisions
9 come out, but, Mr. Hayes, what's your take on where we are?

04:36PM 10 MR. HAYES: My take is as follows, Judge: One is
11 our position is that there should be no extension of any
12 discovery, which ends July 23rd.

13 We, as the plaintiff, have noticed sort of
14 everybody at interest, and they're in the process of being
15 ready come July 23rd to end it, and my position is that to
16 the extent Google wants to extend it, they've had 18
17 months and maybe taken one deposition to date in the last
18 18 months, et cetera, so that's -- so to put it directly to
19 your question from the plaintiff's point of view, by
04:37PM 20 July 23rd, we will have, assuming everybody is deposed that
21 are noticed, we'll be done and ready, period.

22 Now, the only other point that I might make for my
23 Brother to comment on is we think, because you asked this
24 question last time, and we would suggest that a Markman
25 Hearing decision would be very beneficial in this case.

1 It's all briefed, it's argued, et cetera, and, frankly, we
2 don't really need to redo it in another year or whatever,
3 the IPR decision, and I think that the decision on the
4 Markman Hearing is doing the claims and doing the 112 issue
5 would facilitate settlement if there is going to be one,
6 that certainly would be a positive effect.

7 Most importantly, we don't want to have, you know,
8 them to come back and now say in nine months and say, oh,
9 we got to do another Markman Hearing because of blah, blah,
04:39PM 10 blah and delay it any longer. I think it's all been
11 briefed, et cetera, and we think a decision would be
12 appropriate.

13 With respect to the discovery issues, they were
14 before the magistrate today. These obviously are decided
15 and/or given instructions as to what to do, and, frankly,
16 the other issue I think before this court now to be sort of
17 discussed is that the defendant is sort of complaining
18 about our production of Dr. Bates for his deposition of a
19 two-day thing, et cetera, and a 30(b)(6) thing, which is
04:40PM 20 your profits relative to the scheduling, but other than
21 that, that's sort of where we are.

22 Now, with respect to the IPR, what you should know
23 is that in the IPR, pursuant to what was discussed the last
24 time with the Court, we have requested a certain amount of
25 documents per usual, though they've refused to produce

1 anything, and they've said with respect to the documents
2 that they will produce an IPR, and they'll only produce
3 them if we sign a protective order that everybody in the
4 IPR can't amend the claims, and that's typically amending
5 the claims is part of the whole business of the IPR, so the
6 bottom line is that there's an expert in the IPR.

7 We tried to notice his deposition. He's only
8 available until after discovery is over, so the cooperation
9 that was sort of generously offered at the last hearing is
04:41PM 10 nil, but I understand that's not your province as the
11 speech right now, but just to tip you off that we'll have
12 probably have to be filing soon if they won't give us the
13 documents and motioning the Court to allow them to give the
14 documents, et cetera, but that's our position in the whole
15 scheme of things, Judge, and I apologize for not having a
16 suit on, your Honor. I didn't know it was a Zoom.

17 THE COURT: That's all right, you're so small on
18 your camera, you shouldn't have confessed to it.

19 MR. HAYES: All the better, right?

04:41PM 20 THE COURT: Mr. Kamber.

21 MR. KAMBER: Thank you, Judge Saylor. A few
22 things. So in terms of the status of the depositions,
23 Mr. Hayes is right, we are all on track to complete all the
24 depositions for both sides by July 23rd. The parties have
25 an agreed calendar with respect to everybody.

1 I think there is one issue outstanding with
2 respect to a witness from Google, Dr. Loudan. He is
3 available. We provided a date for his availability this
4 week on the 15th. I don't know where that stands from
5 Singular's perspective if they intend to proceed on the
6 15th or they want to take that later, which they at one
7 point indicated, but we are otherwise on track to complete
8 all depositions by the 23rd, so by a week from this coming
9 Friday.

04:42PM 10 There is one issue -- well, actually there are two
11 related issues. One is that's for the 16 depositions that
12 both sides have agreed to. We have, however, 24 deposition
13 notices, so we've scheduled 16, the 16 that they originally
14 wanted us to schedule as recently as last week. We got
15 additional deposition notices. Those we haven't scheduled.
16 They just came in, and they are above and beyond what the
17 parties had agreed to, so we had flagged this issue as
18 early as June 22nd noting that their notices were above the
19 count for the allowable depositions.

04:43PM 20 It sounds to me from what Mr. Hayes said before
21 that we should just get these 16 done, and we'll get them
22 done by July 23rd, and we don't need to be scheduling the
23 additional ones, but I put that to Singular.

24 The other issue is the 30(b)(6) deposition.
25 Mr. Hayes referenced this. We talked about this briefly

1 with Judge Cabell earlier today, and he thought we should
2 discuss it with you. As part of the joint case management
3 statement, we agreed that the eight-hour limit for
4 Dr. Bates complies to only testimony he gives in a personal
5 capacity and not testimony he may give as a designated
6 witness under FRCP 30(b)(6). That's in ECF Number 54, I
7 believe.

8 We are scheduled for two different four-hour
9 sessions with Dr. Bates, their witness, as a fact witness
04:44PM 10 next week. We've been asking now for two or three weeks
11 for their designation of their corporate witness. We don't
12 have it yet. We do have their objections. They've said
13 they're willing to put up people on their topics, but we
14 don't have a designee and we don't have a date yet.

15 We need one. Judge Cabell thought we probably
16 should have one, too. I don't know if there's an issue
17 there, but clearly it was contemplated that it would be
18 30(b)(6) above and beyond the fact deposition testimony of
19 Dr. Bates back in July of 2020 when we agreed to this.

04:45PM 20 THE COURT: Okay.

21 MR. KAMBER: So I'm happy to pause there, your
22 Honor. There are two or three other issues.

23 THE COURT: Why don't we take these up. Let's
24 start with the question of whether we're putting aside the
25 30(b)(6) designation, whether we're going to have 16 or 24.

1 Mr. Hayes.

2 MR. HAYES: Yes, your Honor. On that issue, we're
3 agreeable to 16 as it is. The only reason that we have now
4 more than 16 before the end of the month is that my Brother
5 sort of expanded their identification of people
6 knowledgeable, and we kicked out in the 16 originally the
7 people we believed of anybody who has knowledge that would
8 end up showing up at trial.

9 Now, of these other 8 that makes it up to 24,
04:46PM 10 that's the only reason we did them is that if my Brother's
11 agreeable, they're not going to show up for trial out of
12 the blue, then, fine, I don't have to depose anybody that's
13 not going to be, you know, at the hearing, at the trial, so
14 I think my Brother and I can probably work that out, and I
15 would suspect that everybody in the 16 that were noticed
16 are indeed the people coming to trial.

17 If the others aren't, well, then, I'll tell you
18 what we could do is we could work a deal, we'll cut 2 of
19 the ones of the 16, I have to take the people at trial,
04:46PM 20 they've noticed 35 people, and we have 14 depositions or 16
21 depositions, so I don't want to go beyond the July 23rd
22 date, but, you know, obviously, I'll have the opportunity
23 or we could just say I'll take the 16 that we noticed, and
24 if any others end up showing up at trial later, we'll take
25 them before the trial. It would be a year from now

1 anyways.

2 MR. KAMBER: Judge --

3 MR. HAYES: Whatever my Brother wants to work out
4 would be fine with me.

5 THE COURT: All right. Mr. Kamber, do you want to
6 respond to that?

7 MR. KAMBER: Yes, just briefly, your Honor. It
8 sounds like to me there's no issue with respect to the 16.
9 I'll note one thing, which I think is not quite right. The
04:47PM 10 additional notices were not in response to our amending our
11 disclosures. There is one witness that they've noticed
12 with these additional extra ones that is on our initial
13 disclosures, and he has been for a long time. He's an
14 engineer. Basically his boss and his boss's boss will be
15 deposed this week, so I understand why they didn't notice
16 his deposition.

17 Everybody else are not people we identified on our
18 initial disclosures, so I don't think that's quite correct
19 what Mr. Hayes is saying.

04:48PM 20 THE COURT: All right. Let me turn to the
21 30(b)(6) question. Mr. Hayes.

22 MR. HAYES: On the 30(b)(6), your Honor, here's
23 the issue is that they've now got Bates for eight hours.
24 We've not deposed anybody in this whole case for four hours
25 that they basically put hard limits on.

1 Now, I agree we agreed to produce Bates for eight
2 hours, and we're going to. They again now want another
3 eight hours with him for this 30(b)(6). Obviously, he's
4 the only one in the corporation. He's the chief cook and
5 bottle washer, and so my position is you can depose him for
6 eight hours and then he's going to be noticed as the
7 30(b)(6) chief cook and bottle washer, and if there's
8 anything else, fine, I don't want him to be deposed 16
9 hours of deposition just because there's a 30(b)(6) notice.

04:49PM 10 If there's anything that they want that they can't
11 get in the eight hours, fine, I mean, that's fine, but I
12 don't want to make it open-ended, so I'm thinking take the
13 deposition for him, you've got eight hours, and we'll
14 designate him as 30(b)(6) on everything, and if there's
15 anything left over, who knows what it might be, we'll give
16 you a couple of hours here and there, but, you know, I
17 don't want to expose him for another eight hours. The
18 guy's 65 years old.

19 THE COURT: Be careful, I'm 66.

04:49PM 20 MR. HAYES: Your Honor, I'm 75. I'm still doing
21 this. Hopefully you're not at my age, but, in any event,
22 so that's our fault.

23 THE COURT: Okay. Let me offer some general
24 thoughts, and then I'll tell you where I come out on this.
25 The number of depositions, the number of hours per

1 deposition, the date of July 23rd, these are all arbitrary,
2 okay. They may or may not fit, and in a perfect world, no
3 one would take any discovery that they don't need, and, you
4 know, it would fit within some reasonable period of time.

5 It's difficult for me without spending a whole lot
6 of time to figure out what is reasonable and what is not,
7 but in no particular order, first, it is from my
8 standpoint, it is not the end of the world if some, you
9 know, one deposition or a small handful of depositions
04:50PM 10 extends beyond July 23rd considering where we are in the
11 case, okay, and in terms of whether there will be any
12 addition to the schedule of '16, I'll leave it up to you
13 all, and I'll give you the freedom to agree that you can
14 take additional ones, let's say through July 31st, anyway,
15 without further approval from me.

16 If you agree that, you know, two of them are
17 critical or one of them is critical and that's the only way
18 you can fit it in, I'm indifferent, Point Number 1.

19 Point Number 2, it's difficult in a situation like
04:51PM 20 this where there is one individual who is being deposed as
21 both an individual and as a 30(b)(6) representative. It is
22 different testimony somewhat. The 30(b)(6) testimony is
23 binding in a way that the individual testimony is not and
24 so on.

25 And, you know, the presumptive seven-hour limit or

1 eight-hour limit in this case is completely arbitrary. I
2 am going to permit an additional four hours on top of his
3 eight hours not to be done -- let's say I don't want him to
4 have a longer than eight-hour deposition day, let's put it
5 that way, but it seems to me that a 30(b)(6) deposition is
6 something different from an individual deposition.

7 I can't say whether that requires 15 more minutes
8 or 15 more hours. I'm going to arbitrarily say it's four
9 hours because that feels about right to me, but that's
04:52PM 10 arbitrary. If I'm going to have to make a decision, I'm
11 going to make it.

12 Now, having said that, you know, I've been at this
13 for 40 some years. I've taken a lot of depositions, sat
14 through a lot of depositions, and now I read other people's
15 deposition transcripts. I will be exceedingly unhappy if I
16 read deposition transcripts at some point and it feels to
17 me that someone is wasting time, and it's tantastic to me
18 how much time lawyers waste in depositions, how they
19 squabble and ask convoluted questions or ask questions
04:53PM 20 about trivial topics and so on.

21 I am being indulgent a little bit here. I'm
22 allowing 12 hours of deposition of a single witness. It
23 doesn't mean you need to take it, it doesn't mean you need
24 to go right up to the wire just because you can, that you
25 can ask questions that take an entire page of transcript.

1 The point of this exercise is discovery, and
2 because the point of it is discovery, I would expect to see
3 a number of open-ended questions beginning with the letter
4 W because that's what I'm trying to permit here, and so I'm
5 not going to police this in realtime, but I'm just offering
6 the observation that I expect some reasonable degree of
7 conciseness, precision, getting to the point, however you
8 want to frame it, and asking clear questions that are
9 intended to provide discovery, not simply to harass the
04:54PM 10 witness or walk through endless piles of e-mails, which is
11 another thing that I see all the time.

12 So, with that general prefatory language, I will
13 permit without further motion practice an additional four
14 hours of 30(b)(6) deposition testimony provided that he is
15 not deposed for more than eight hours on any single day.

16 All right. Mr. Kamber, you said you had another
17 couple points.

18 MR. KAMBER: I do, your Honor. One is related to
19 depositions as well, and this is just something that was
04:55PM 20 perhaps an unintended consequence of where we are now,
21 which is that the Court intends to enter a stay after the
22 fact discovery is complete. That is on damages related
23 discovery.

24 We have a deposition happening on Friday of
25 Mr. Patil and a deposition next week on Tuesday of a

1 30(b)(6) witness on other financial topics, and then -- oh,
2 and on Friday, we also have a licensing witness.

3 We understand that both Singular and the Court
4 wants to get that discovery done and kind of in the can.
5 We just wanted to flag that if we're go through the effort
6 of doing this now, we don't want to be in a position where
7 a year or two from now if and when the stay is lifted and
8 we're back before the Court that we have to redo all of
9 this damages discovery.

04:56PM 10 We've been working very hard, and so has Singular,
11 in terms of getting these documents produced and getting
12 the witnesses ready, and we want to make sure that if we're
13 going to go through this effort to do all the damages
14 topics now that those aren't things that we're going to
15 then try to reopen and retake if and when we need to.

16 THE COURT: Okay. I can't answer that question in
17 the abstract. As you know, parties have an obligation to
18 supplement their discovery responses, and so ongoing
19 damages, particularly if it's an arithmetic calculation or
04:56PM 20 whatever, need to be supplemented, but even if they're not,
21 you know, if it's based on sales volume projections or
22 something, you know, whatever it is, if the responses
23 change, the responses will need to be supplemented, and
24 supplementation sometimes means that in fairness further
25 discovery is required, so it depends.

1 You asked for the stay. I'm granting it, you
2 know, provided fact discovery is completed first, and one
3 of the consequences of that is there may be a delay, and
4 with delay, things change sometimes, and I'll just take it
5 up in due course. If we need to reopen discovery for some
6 specific purposes, that's what we'll do.

7 MR. KAMBER: Understood, and that's all that we're
8 saying, and we agree in terms of supplementation on
9 documents, that's fully contemplated. We're hoping that
04:57PM 10 there will have to be a good cause shown if and when anyone
11 wants to try to reopen depositions, and I think that would apply
12 to both sides, of course.

13 THE COURT: And it isn't, of course, just, you
14 know, that documents need to be supplemented, discovery
15 responses need to be supplemented, and that may go for
16 expert reports as well depending on where we are. That's
17 all.

18 MR. KAMBER: Then on this issue, I guess, maybe
19 just counsel will just get back to me about the scheduling
04:58PM 20 of the Dr. Laudon deposition at some point if they agree.

21 MR. HAYES: Yes, we'll let you know.

22 MR. KAMBER: I'm sorry, your Honor, one other
23 thing. We did, I mentioned that we had an follow discovery
24 conference with Judge Cabell earlier today. That was
25 helpful. I think all the other motions have been dealt

1 with and addressed. He did encourage us because we weren't
2 able to resolve some things that we had previously met and
3 conferred about and now we're also looking to move on.

4 We will probably have a motion on file on
5 Thursday, and Judge Cabell will deal with those issues I
6 think as quickly as he can, but just to let the Court know
7 that there still will be at least one discovery motion
8 filed in the case.

9 THE COURT: And I should say implicit in all of
04:59PM 10 this is that there may be or some party may think new
11 discovery is required based on the magistrate judge's
12 ruling. There could be an appeal to me. All of this is a
13 natural consequence of setting a deadline, and we'll see
14 how this plays out.

15 MR. KAMBER: Right, understood. There's one issue
16 that Mr. Saraswat is on as well that relates to
17 unfortunately there was an injury. Our code review expert
18 suffered an injury, and it sort of is influencing how and
19 when we might need to be able to review code, but I'll let
04:59PM 20 him address the particulars.

21 THE COURT: Okay.

22 MR. SARASWAT: Thank you, your Honor, and I'm
23 Anant Saraswat with Wolf, Greenfield for the defendant.
24 So, the issue, your Honor, as Mr. Kamber mentioned, is that
25 our source code expert, Dr. Walker, he unfortunately had an

1 injury. He's based in the Bay Area in California.

2 Singular is currently hosting its source code here
3 in Boston at a third-party vendor called BDO. We had
4 planned to have Dr. Walker travel here a few weeks ago to
5 review Singular's source code. He suffered a fall and had
6 a head injury, and as a result of that injury, his doctors
7 have told him that it's not safe for him to travel to
8 Boston.

9 At this time we don't know when he'd be cleared
05:00PM 10 for travel. I spoke with him this morning, and he says it
11 definitely won't be prior to July 23rd. It may not be for
12 a week or two after that, but he has been cleared by his
13 doctors to work. He doesn't have to travel, he can stay in
14 the Bay Area, so because of this, we had asked Singular if
15 they would agree to host their source code computer in the
16 San Francisco area where we understand their vendor has an
17 office somewhere there so Dr. Walker can review the code
18 there next week.

19 We've agreed that we'll pay any setup and
05:00PM 20 transportation costs to get the computer there and any
21 difference in the cost of hosting the computer between
22 hosting it in Boston vs. San Francisco, and we think that
23 we can come to an agreement. We hope we can.

24 The sticking point thus far, your Honor, has been
25 what happens if Dr. Walker's medical condition changes and

1 for some reason he's not able to complete his review by the
2 23rd.

3 At this time, we have no reason to believe he
4 won't be able to do it, and, as I said, I spoke to him this
5 morning. He thinks he said he's feeling fine, but what
6 Singular has said is that they will only agree to host the
7 computer in San Francisco if Google waives its right to ask
8 for an extension of the source code review time in the
9 event that Dr. Walker's condition changes and worsens, and
05:01PM 10 we don't really think we could agree to waive that right
11 just because if his condition unexpectedly worsens, he
12 won't be able to complete his review, so all we're asking
13 at this point, your Honor, is just that Singular host its
14 source code computer in the San Francisco area with Google
15 agreeing to pay those costs that I mentioned but to leave
16 us the option to ask the Court for an extension to let him
17 finish his review if it becomes medically necessary, and
18 again, your Honor, at this time, we have no reason to
19 believe that it will, we just want to make sure we have
05:02PM 20 that option in case some other unexpected medical issue
21 comes up.

22 THE COURT: Mr. Hayes.

23 MR. HAYES: That's fine.

24 THE COURT: Okay.

25 MR. HAYES: I have no reason to dispute anything

1 he said.

2 THE COURT: Okay. Let's leave it open, and,
3 again, from my standpoint, if because of his injury,
4 recovery or whatever, if this gets done on July 27th
5 instead of July 23rd, I don't think that makes a practical
6 difference here.

7 And I think what I would like to do, just to make
8 sure we stay on track, is to reconvene in a couple of weeks
9 and just kind of see what is still dangling, if anything,
05:03PM 10 and talk about how we're getting all those things resolved.

11 I was going to suggest two weeks from today.
12 Ironically, I have jury duty in state court. State courts
13 have opened up. I was hoping that they would drag their
14 feet a little bit, but they didn't. Assuming I don't get
15 impaneled, I'm available on the 27th. How about the 27th
16 at 4:00 eastern time?

17 MR. HAYES: That's fine with the plaintiff, Judge.
18 You name it, we'll be there.

19 MR. KAMBER: We can confirm, but I think that
05:03PM 20 would be fine, your Honor, July 27th at 4:00 eastern time,
21 correct?

22 THE COURT: Yes.

23 MR. KAMBER: That would be fine, thank you.

24 THE COURT: Just another status conference. I'm
25 not asking to have lots of things dangling, but I would

1 like to see whether anything is and have a road map for,
2 you know, resolving it going forward.

3 MR. HAYES: Judge, only one question, if I may.

4 THE COURT: I want you to wear a suit, Mr. Hayes.

5 MR. HAYES: Huh?

6 THE COURT: I want you to wear a suit.

7 MR. HAYES: I will definitely if I know it's a
8 Zoom. Last time we didn't have a Zoom, and I do have a
9 suit, but the question I have, Judge, is do you think we're
05:04PM 10 going to get a decision on the Markman or what?

11 THE COURT: Well, it's not clear to me whether
12 that's sensible or not in light of where we are. I guess
13 I'm still thinking about that. I'll make a final decision
14 in two weeks. It's not clear to me that's a sensible thing
15 to do.

16 MR. HAYES: Thank you, Judge.

17 THE COURT: I have one other thing. I think there
18 is a motion pending at least on the Docket Number 150,
19 which was a request back in March for a status conference,
05:04PM 20 and I think we're kind of well beyond that. I'm going to
21 ask the clerk to terminate that. I think all the other
22 pending motions are discovery.

23 MR. KAMBER: That's correct, your Honor. I
24 actually think you did grant our request. Maybe I'm
25 incorrect, but I think it can be terminated.

1 THE COURT: Whatever. We've had conferences both
2 in front of me and the magistrate judge.

3 MR. KAMBER: Indeed.

4 THE COURT: Okay. All right. So I appreciate
5 your cooperation and patience. Let's see what the next two
6 weeks bring, and we'll reconvene on July 27th. If I am
7 impaneled on a jury, the clerk will get back to you and
8 we'll figure out some other plan.

9 MR. SEEVE: Your Honor, this is Brian Seeve. I
05:05PM 10 just wanted to raise one more question.

11 THE COURT: Yes.

12 MR. SEEVE: Regarding the production of source
13 code, Google has asked if we produce source code in
14 San Francisco, we'd just ask that that be reciprocal, that
15 they produce their source code in Boston, which they have
16 refused to do, and regarding source code, that's the only
17 other request that we have. We're happy to produce the
18 source code in San Francisco to accommodate their expert.
19 We just hope that's reciprocal.

05:06PM 20 THE COURT: Why don't you renew that discussion in
21 light of this conference and see whether you can come to
22 agreement on that. Okay. I'm assuming, I don't know how
23 this works, I don't know why it has to be done physically
24 at some location as opposed to doing it remotely. You
25 don't need to explain it to me, but it seems to me that it

1 ought to work the same for both parties, but I'll leave
2 that up to you to discuss.

3 MR. SEEVE: Thank you, your Honor.

4 THE COURT: That would include paying for it,
5 obviously. Thanks, everyone, and we'll talk to you in
6 about two weeks.

7 MR. KAMBER: Thank you, your Honor.

8 THE COURT: Thank you.

9 (Whereupon, the hearing was adjourned at
10 5:06 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS) ss.
CITY OF BOSTON)

I do hereby certify that the foregoing transcript,
Pages 1 through 24 inclusive, was recorded by me
stenographically at the time and place aforesaid in Civil
Action No. 19-12551-FDS, SINGULAR COMPUTING LLC vs. GOOGLE LLC
and thereafter by me reduced to typewriting and is a true and
accurate record of the proceedings.

Dated July 28, 2021.

s/s Valerie A. O'Hara

VALERIE A. O'HARA

OFFICIAL COURT REPORTER